

Here comes, I, Joshua and I, David, Man filled with the Breath of Life as defined by Yahweh in  
B'reshet/Genesis 1:26-33  
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## **Federal Criminal & Civil Complaint/Claim of Injury: AMMENDED**

### **PROPER ARTICLE III JURISDICTION**

PURSUANT TO TITLE 42 § 1983, 28 U.S.C.A § 1343, and, 28 U.S.C.A. § 1331

#### **Plaintiffs'**

**Joshua : Man of God, Horowitz Family**

**David : Man of God, Horowitz Family**

#### **Defendants'**

**STATE OF MONTANA (PRINCIPAL) a PUBLIC CORPORATION/STATUTORY TRUST**

**STATE OF MONTANA (ALL AGENT'S) ALL PUBLIC TRUSTEES/SERVANTS  
EMPLOYEES OF ABOVE CORPORATION**

**CAUSE(s) OF ACTION and Claim at Common Law and/or U.S.C.A.:**

- 1) Fraud**
- 2) Intent to Defraud**
- 3) Trespass**
- 4) Terrorism**
- 5) Human Trafficking/Slavery**
- 6) Conspiracy Against Rights**
- 7) ACTING under 'Color of Law'**
- 8) Un-Law-Full Arrest/Kidnapping**
- 9) Un-Law-Full Imprisonment**
- 10) Malicious Prosecution**
- 11) Assault**
- 12) Fraudulently Joined to a Legal Fiction/Third Party ENTITY without consent and  
by threat of force, force, duress and coercion.**
- 13) Purgery under Oath**
- 14) False Witness and Testimony**
- 15) Breach of Trust**

**RECEIVED**

**JUN 13 2017**

Clerk, U.S. Courts  
District of Montana  
Missoula Division

- 16) Extortion**
- 17) Barratry**
- 18) Breach of Constructive Contract**

**Claim of Right to Redress of Grievances these Claims above are made on and for the Record, a case to be created in a Proper Article 3 Court of Proper Jurisdiction for Adjudication by a Jury.**

**IMMEDIATE RELIEF SOUGHT:**

**For the safety and sanctity of the Life's of the Plaintiffs' having already been assaulted, kidnapped, Terrorized with threats of violence and violence against Plaintiffs' Lives, Injunctive relief is sought through a RESTRAINING ORDER and DO NOT DETAIN ORDER, ORDER OF PROTECTION, against STATE OF MONTANA including ALL AGENTS; barring actual witness of CAPITAL OFFENSE with CORPUS DELECTI or a BREACH OF THE PUBLIC PEACE to include ALL OPEN AND OR AJUDICATED CASES IN ANY AND ALL STATE OF MONTANA COURTS to continue in effect until all matters before the FEDERAL COURT concerning these Claims is Adjudicated.**

**Plaintiffs' retain the right to amend this Claim/Complaint at any time; require as a Right that these claims be adjudicated by Jury trial at Common Law in a Proper Article 3 Court. The Plaintiffs' press these claims onto the Record as being the Truth with full evidence of the Facts under penalty of Purgery as Y-H-V-H The Only Judge is our Witness.**

**Diversity Jurisdiction, "Fraudulently Joined" Defendants,  
and Federal Question**

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**SECTION 1: PARTIES:**

**Plaintiff's/Corpus Delecti**

**Joshua : Man of God, Horowitz Family**

**David : Man of God, Horowitz Family**

**JOSHUA DAVID HOROWITZ:** TITLE/DEEDED ESTATE CREATED BY THE GOVERNMENT Through the following DOCUMENTATION:

- 1) BIRTH CERTIFICATE
- 2) SOCIAL SECURITY NUMBER
- 3) VARIOUS LICENCES ie. DRIVERS, MARRIAGE, BUSINESS, PROFESSIONAL etc.
- 4) See Exhibit A: Affidavit of Truth
- 5) See Exhibit G: Memorandum of Law on the NAME
- 6) ALL DOCUMENTS IN COMMERCE as identified as any DOCUMENT using the ALL CAPITAL TITLE: JOSHUA DAVID HOROWITZ or any variation thereof, for the purposes of COMMERCE as defined below:

[www.legal-dictionary.thefreedictionary.com/commerce](http://www.legal-dictionary.thefreedictionary.com/commerce)

**DAVID L HOROWITZ:** TITLE/DEEDED ESTATE CREATED BY THE GOVERNMENT Through the following DOCUMENTATION:

- 1) BIRTH CERTIFICATE
- 2) SOCIAL SECURITY NUMBER
- 3) VARIOUS LICENCES ie. DRIVERS, MARRIAGE, BUSINESS, PROFESSIONAL etc.
- 4) See Exhibit A: Affidavit of Truth
- 5) See Exhibit G: Memorandum of Law on the NAME
- 6) ALL DOCUMENTS IN COMMERCE as identified as any DOCUMENT using the ALL CAPITAL TITLE: DAVID L HOROWITZ or any variation thereof, for the purposes of COMMERCE as defined below:

[www.legal-dictionary.thefreedictionary.com/commerce](http://www.legal-dictionary.thefreedictionary.com/commerce)

**Defendant (s),**

**PUBLIC SERVANT MONTANA ATTORNEY GENERAL TIM FOX** [Tim Fox]  
215 Sanders, Third Floor PO BOX 201401 HELENA MONTANA 59620

**PUBLIC SERVANT MAC BLOOM DEPUTY MISSOULA COUNTY ATTORNEY**  
[Mac Bloom]

MISSOULA COUNTY COURTHOUSE MISSOULA, MONTANA 59802

**PUBLIC SERVANT NICHOLAS NAVARRO MONTANA HIGHWAY PATROL TROOPER**  
(Nicholas Navarro)

Gibbons Street HELENA MONTANA 59601

**PUBLIC SERVANT MONTANA HIGHWAY PATROL TROOPER (?)**

Gibbons Street HELENA MONTANA 59601

**PUBLIC SERVANT MONTANA HIGHWAY PATROL TROOPER (?)**

Gibbons Street HELENA MONTANA 59601

**PUBLIC SERVANT MONTANA HIGHWAY PATROL TROOPER (?)**

Gibbons Street HELENA MONTANA 59601

**PUBLIC SERVANT MISSOULA COUNTY SHERIFF'S OFFICE DEPUTY GUNTER 456**  
[? Gunter]

MISSOULA COUNTY COURTHOUSE MISSOULA, MONTANA 59802

**PUBLIC SERVANT MARIE ANDERSON JUSTICE OF THE PEACE** [Marie Anderson]  
MISSOULA COUNTY COURTHOUSE MISSOULA, MONTANA 59802

**PUBLIC SERVANT TJ MCDURMOTT MISSOULA COUNTY SHERIFF** [TJ McDurmott]  
MISSOULA COUNTY COURTHOUSE MISSOULA, MONTANA 59802

**PUBLIC SERVANT MONTANA GOVERNOR STEVE BULLOCK** [Steve Bullock]  
PO BOX 200801 HELENA, MONTANA 59620

**PUBLIC SERVANT MISSOULA CITY COMMISSIONERS**  
80 MISSOULA COUNTY COURTHOUSE MISSOULA, MONTANA 59802

**PUBLIC SERVANT STATE OF MONTANA and ALL AGENTS, EMPLOYEE'S,**  
**PRINCIPALS NOT DIRECTLY MENTIONED above**  
1301 East 6<sup>th</sup> Avenue HELENA, MONTANA 59620

**PUBLIC SERVANT PETE WOODS MISSOULA POLICE DEPARTMENT** [Pete Woods]  
435 Ryman Street, MISSOULA MONTANA, 59802

**PUBLIC SERVANT KATHLEEN JENKS MISSOULA MUNICIPAL COURT JUDGE**  
[Kathleen Jenks]  
435 Ryman Street, MISSOULA MONTANA, 59802

**PUBLIC SERVANT MISSOULA CITY ATTORNEY** [ ?]  
435 Ryman Street, MISSOULA MONTANA, 59802

**PUBLIC SERVANT MONTANA ATTORNEY GENERAL TIM FOX** [Tim Fox]  
215 Sanders, Third Floor PO BOX 201401 HELENA MONTANA 59620

**PUBLIC SERVANT MISSOULA COUNTY DETENTION FACILITY T FAWELL** [T Fawell]  
2340 Mullan Road MISSOULA MONTANA 59808

**PUBLIC SERVANT MISSOULA COUNTY DETENTION FACILITY B BALL** [B Ball]  
2340 Mullan Road MISSOULA MONTANA 59808

**PUBLIC SERVANT MAC BLOOM DEPUTY MISSOULA COUNTY ATTORNEY**  
[Mac Bloom]

MISSOULA COUNTY COURTHOUSE MISSOULA, MONTANA 59802

**PUBLIC SERVANT MONTANA HIGHWAY PATROL TROOPER GEORGE BURTON**  
[George Burton]

Gibbons Street HELENA MONTANA 59601

**PUBLIC SERVANT MONTANA HIGHWAY PATROL TROOPER SERGEANT CHAD**  
**DEVER** [Chad Dever]

Gibbons Street HELENA MONTANA 59601

**PUBLIC SERVANT MONTANA HIGHWAY PATROL TROOPER RYAN JANES**  
[Ryan Janes]

Gibbons Street HELENA MONTANA 59601

**PUBLIC SERVANT MONTANA HIGHWAY PATROL TROOPER MIKE BURMAN**  
[Mike Burman]

Gibbons Street HELENA MONTANA 59601

**PUBLIC SERVANT MISSOULA COUNTY SHERIFF'S OFFICE DEPUTY REBECCA**  
**BIRKET** [Rebecca Birket]

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80 MISSOULA COUNTY COURTHOUSE MISSOULA, MONTANA 59802  
**PUBLIC SERVANT STATE OF MONTANA and ALL AGENTS, EMPLOYEE'S,**  
**PRINCIPALS NOT DIRECTLY MENTIONED above**  
1301 East 6<sup>th</sup> Avenue HELENA, MONTANA 59620

Commerce Defined:

The exchange of goods, products, or any type of Personal Property. Trade and traffic carried on between different peoples or states and its inhabitants, including not only the purchase, sale, and exchange of commodities but also the instrumentalities, agencies, and means by which business is accomplished. The transportation of persons and goods, by air, land, and sea. The exchange of merchandise on a large scale between different places or communities.

Although the terms commerce and trade are often used interchangeably, commerce refers to large-scale business activity, while trade describes commercial traffic within a state or a community.

West's Encyclopedia of American Law, edition 2. Copyright 2008 The Gale Group, Inc. All rights reserved.

commerce noun interstate commerce, bargaining, barter, bartering, business, business affairs, business deals, business intercourse, business transactions, buying and selling, chaffering, commercial intercourse, dealing, exchange, fiscal exchange, industry, industry and trade, interchange, interchange of commodities, interrrhange of goods, intercourse, marketing, mercantile business, mercantile relations, mercantilism, mercatura, merchantry, monetary exchange, multilateral trade, negotia, negotiation, private enterprise, production and distribution, reciprocal trade, system of exchanges, trade, trading, traffic, traffic of commodities, transportation of commodities, transportation of goods

Associated concepts: affect commerce, affect interstate commerce, arising under a law regulating commerce, commerce among the several states, commerce clause, commerce power, commerce with foreign nations, commercial code, commercial paper, industry affecting commerce, international commerce, intrastate commerce, law regulating commerce, navigation and commerce, regulate commerce, restraint of commerce

Foreign phrases: *Commercium jure gentium commune esse debet, et non in monopolium et privatum pauuorum quaestum convertendum.* Commerce, by the law of nations, ought to be common, and not converted into monopoly and the private gain of a few persons. *Jus accrescendi inter mercatores, pro beneficio commercii, locum non habet.* The right of survivorship does not exist between merchants for the benefit of commerce.

See also: association, contract, deal, dealings, exchange

Burton's Legal Thesaurus, 4E. Copyright © 2007 by William C. Burton. Used with permission of the McGraw-Hill Companies, Inc.

**BILLS PAYABLE, COMMERCE.** Engagements which a merchant has entered into in writing, and which he is to pay on their becoming due. Pard. n. 85.

**COMMERCE,** trade, contracts. The exchange of commodities for commodities; considered in a legal point of view, it consists in the various agreements which have for their object to facilitate the exchange of the products of the earth or industry of man, with an intent to realize a profit. Pard. Dr. Coin. n. 1. In a narrower sense, commerce signifies any reciprocal agreements between two persons, by which one delivers to the other a thing, which the latter accepts, and for which he pays a consideration; if the consideration be money, it is called a sale; if any other thing than money, it is called exchange or barter. Domat, Dr. Pub. liv. 1, tit. 7, s. 1, n. 2. Congress have power by the constitution to regulate commerce with foreign nations and among the several states, and with the Indian tribes. 1 Kent. 431; Story on Const. Sec. 1052, et seq. The sense in which the word commerce is used in the constitution seems not only to include traffic, but intercourse and navigation. Story, Sec. 1057; 9 Wheat. 190, 191, 215, 229; 1 Tuck. Bl. App. 249 to 252. Vide 17 John. R. 488; 4 John. Ch. R. 150; 6 John. Ch. R. 300; 1 Halst. R. 285; Id. 236; 3 Cowen R. 713; 12 Wheat. R. 419; 1 Brock. R. 423; 11 Pet. R. 102; 6 Cowen, R. 169; 3 Dana, R. 274; 6 Pet. R. 515; 13 S. & R. 205

Supreme Court Annotated Statute, *Clearfield Trust Co. v. United States* 318 U.S. 363- 371 1942  
Whereas defined pursuant to Supreme Court Annotated Statute: *Clearfield Trust Co. v. United States* 318 U.S. 363-371 1942: "Governments descend to the level of a mere private corporation, and take on the characteristics of a mere private citizen . . . where private corporate commercial paper [Federal Reserve Notes] and securities [checks] is concerned . . . For purposes of suit, such corporations and individuals are regarded as entities entirely separate from government." What the Clearfield Doctrine is saying is that when private commercial paper is used by corporate government, then government loses its sovereignty status and becomes no different than a mere private corporation.

As such, government then becomes bound by the rules and laws that govern private corporations which means that if they intend to compel an individual to some specific performance based upon its corporate statutes or corporation rules, then the government, like any private corporation, must be the holder-in-due-course of a contract or other commercial agreement between it and the one upon who demands for specific performance are made. And further, the government must be willing to enter the contract or commercial agreement into evidence before trying to get the court to enforce its demands, called statutes.

## **SECTION 2: ORIGINAL JURISDICTION**

### **"MINISTERS CONSULS DIPLOMATS"**

#### **Article III, Section 2; Article VI**

#### **United States Republic Constitution**

'Established Law of the Land'

## **Diversity Jurisdiction**

COMES NOW, I, Joshua and I, David: Man of God, Horowitz Family, as defined by Yahweh in B'reshet/Genesis 1:26-33, a Bond Servant and Ambassador (2 Corinthians 5:20) to the King of kings and Lord of Lords Ruler of Heaven and Earth (Deuteronomy 10:14), a Citizen of the Kingdom of Heaven (Philippians 3:20), in the Diaspora (Deuteronomy 25) upon the land which Yahweh Creator of Heaven and Earth created, currently identified as America, an Israelite and a Priest of the Tribe of Levi (Genesis 46:11, Numbers 18:2-6, Jeremiah 33:22-24, Malachi 2:4-6; 3:1-3) and redeemed from the Law of sin and death through the blood sacrifice of the Lamb of Yahweh for my redemption, of the Body of Messiah Yeshua which was buried for three days and on the third day arose to take his place at the right hand of Yahweh as King of kings and Lord of lords, Prince of Peace and Ruler of Heaven and Earth (Ephesians 1:7, Galatians 2:20, Colossians 1:14; 1:20-22, 1 John 3:16, Romans 3:24-26; 10:10, Titus 2:14, 1 Peter 1:18-19, Psalms 111:9, 1 Corinthians 6:20, Psalms 107:2, 1 Corinthians 1:30, Galatians 4:5, 1 Corinthians 7:23).  
In Propria Persona, Sui Juris (not to be confused with nor substituted with Pro Se); and not a Statutory Person in party with or subject to the WILL of the STATE or any AGENT THEREOF.

### **28 U.S.C. § 1332. Diversity of citizenship; amount in controversy; costs**

(a) The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between—

- (1) citizens of different States;
- (2) citizens of a State and citizens or subjects of a foreign state;
- (3) citizens of different States and in which citizens or subjects of a foreign state are additional parties; and
- (4) a foreign state, defined in section 1603 (a) of this title, as plaintiff and citizens of a State or of different States.

**Plaintiffs'/ Heir / Alleged Accused,**  
(Hereinafter Plaintiffs')

### **JURISDICTION: Named and Defined**

Jurisdiction / Venue are hereby placed in one Supreme Court, pursuant to Article III Section II for The United States Republic, and the several States, under the Constitution; Article VI; and reaffirmed by obligatory Official Oaths. "The Judicial Power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;--to all cases affecting ambassadors, other public ministers and consuls; --to all cases of admiralty and maritime jurisdictions;--to controversies to which the United States shall be a party;--to controversies between two or more states;--between a state and citizens of another state;--between citizens of different states;-- between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects."

In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.



COMES NOW, I, Joshua and I, David, Man of God as defined by Yahweh in B'reshet/Genesis 1:26-33, a Bond Servant and Ambassador to the King of kings and Lord of Lords Ruler of Heaven and Earth Plaintiffs'/Plaintiff, In Propria Persona, Sui Juris (not to be confused with Pro se), Indigenous in America by birthright; possessing Free-hold by Inheritance status while in the Diaspora and a Levite by Birth; standing squarely affirmed and bound as a Bond Servant and Emissary/Ambassador of the King of kings and Lord of lords, with all due respect and honors given to the Constitution for the United States Republic, North America. Being a descendant Abraham, Isaac and Israel born in North America, with the blood of the Ancient Israelites from the Land of Israel and Tribe of Levi, Plaintiffs' Citizenship is in the Kingdom of Heaven and Plaintiffs' are merely sojourners in the land where lead, in Spirit and in Truth by the Ruach Ha'Kodesh of Almighty Yahweh who's Dominion and Kingdom which extends to the four corners of the Earth which is the Lord's and the fullness thereof. The same as displayed under Treaty Law, Obligation, Authority as expressed in Article VI of the Constitution for the United States of America (Republic); and protected and secured Un-a-lien-able Rights, makes with Notice of the unconstitutional Complaint made by, too and from the STATE OF MONTANA—Summons – Suit / Bill of Exchange / Action. Plaintiffs' is with reasonable expectation that the Officers / Agents, and Officials, holding any position of Public Trust, or political office, are prohibited, under Official Oath, under the authority of The Law of the Land, from the use of the official position(s) or office(s) to violate the Constitution for the UNITED STATES OF AMERICA; and thus, by the abuse of authority, and the practice of superseding their 'limited' jurisdictional powers, violate and abridge the Natural, Divine, Unalienable, and Secured Rights of the People; terminating with the cause of damage to this Plaintiffs' / Plaintiff.

### **SECTION 3: AMOUNT CURRENTLY IN DISPUTE:**

**Well in excess of STATUTORY requirements. (See RELIEF Section below and Exhibit A)**  
Official Notice is hereby served on the STATE OF MONTANA; all Judicial Sub-Divisions; Officials; Agents; all clerks; and above named Plaintiff-all cases and Jurisdiction / Venue shall be the Federal Court. All Matters, Complaints, Suits, Citations / Bills of Exchange (misrepresented as lawful warrants, etc.), must be filed with Federal Court, pursuant to Jurisdiction named hereinafter.

### **SECTION 4: FEDERAL QUESTION(s):**

- 1) Constitutional / Treaty violations;
- 2) Religious Liberty;
- 3) Due Process;
- 4) Subject Matter Jurisdiction
- 5) Slavery/Property Rights

On or around March 20<sup>th</sup> 2015 MONTANA HIGHWAY PATROL OFFICER NICHOLAS NAVARRO [Nicholas Navarro] and at least three (3) other MONTANA HIGHWAY PATROL OFFICERS and at least three (3) MISSOULA SHERIFF DEPUTIES acting under "Color of Law" and in a Conspiracy against Rights, unlawfully detained I, David, from traveling in private conveyance and threatened force. I, David was informed that I was going to be under constant surveillance and not to utilize or use my own personal private



property further violating my personal and property rights. I, David immediately served notice to Nicholas Navarro of who I, was and where I, STAND legally and lawfully (see Exhibit Affidavit of Legal Notice of Understanding, Notice of Intent, and Claim of Right) which he accepted as service to the STATE OF MONTANA. He further used the Notice he was served to complete his service making false and fraudulent statements thereon.

On or around March 23<sup>th</sup> 2015, I, David went to offer a peace treaty to MISSOULA COUNTY ATTORNEY MACKENZIE BLOOM prior to the charges being fraudulently pressed into the wrong jurisdiction prior to any special appearance by myself. At which time he said he was not willing to dismiss the charges and moved the claim forward in the MISSOULA JUSTICE COURT knowing full well that the MISSOULA JUSTICE COURT was lacking in Subject Matter Jurisdiction and Personal Jurisdiction. Mackenzie Bloom was notified at that time that OFFICER NICHOLAS NAVARRO had already received Legal Notice on behalf of the STATE OF MONTANA (see Exhibit A). No response from the STATE OF MONTANA nor any AGENT or PRINCIPAL of the SAME within the designated FOURTEEN DAYS (14) which implies agreement with the Affidavit and Constructive Notice. The Plaintiffs' made Special Appearance with STANDING at the MISSOULA JUSTICE COURT MARIE ANDERSON PRESIDING where I, David was asked to wait outside of the courtroom with I, Joshua who was there for the same issues. When we went outside the courtroom, we were met by two MISSOULA SHERIFF DEPUTIES that were ordered to keep us out of the courtroom until the courtroom was cleared of any and all potential witnesses to the crimes that were about to occur by the STATE OF MONTANA. We were told that "if we didn't do what the JUDGE said that we were going to be arrested and caged by force. When we were finally able to go into the COURTROOM nobody remained other than the AGENTS of THE STATE OF MONTANA ( The JUDGE, the two OFFICERS and the COUNTY ATTORNEY MACKENZIE BLOOM). Plaintiffs' maintained STANDING and all of our rights and told the JUDGE that "we are challenging the Jurisdiction of the COURT and that we refuse to PLEA in a COURT OF CONTRACT/COMMERCE". To which JUDGE MARIE ANDERSON said "I have Jurisdiction" and assumed both Jurisdiction and that she had POWER OF ATTORNEY over the Plaintiffs' as she entered a PLEA fraudulently on our behalf.

No official service was served upon the Plaintiffs' at any time as his residence and Citizenship are in the Kingdom of Heaven and not within the STATUTORY or CORPORATE STATE OF MONTANA nor are Plaintiffs' a party to or with the STATE OF MONTANA in any way shape or form (zero contracts between the STATE OF MONTANA and Plaintiffs'). Plaintiffs' served the STATE OF MONTANA and it's AGENT'S (MISSOULA SHERIFF DEPARTMENT, MONTANA HIGHWAY PATROL, MISSOULA JUSTICE COURT)(See Evidence Exhibit E with a Plea in Abatement for misnomer (see Exhibit G- Memorandum of Law on the NAME) , nuisance and defect which was ignored by MARIE ANDERSON JUSTICE OF THE PEACE MISSOULA JUSTICE COURT ( an Administrative tribunal and not a proper Court of Record)(See Evidence Exhibit E1,2) -At the time of the initial "Special Appearance" by Plaintiffs', MARIE ANDERSON [Marie Anderson] ordered two MISSOULA COUNTY DEPUTIES to keep Plaintiffs' out of the courtroom until all other cases were handled and the potential for witnesses removed, at which time the two DEPUTIES threatened the Plaintiffs' to not question the JUDGE'S authority or jurisdiction or they "would be forced to arrest the Plaintiffs'" exhibiting clear intent to oppress, coerce and manipulate the Plaintiffs' under duress and against Their will, to bow to the WILL of the STATE and to the COURT which has no

judicial authority and is in fact not a court of record, in violation of Plaintiffs' Constitutional / Treaty secured right,. As I am a Man with Standing and the MISSOULA JUSTICE COURT are administrative venues I am under no obligation to comply with a demand much less a threat from a public servant who has taken an "Oath" to preserve, protect, and secure the rights of the People.

From the day of the initial incident with the POLICE from MONTANA HIGHWAY PATROL and MISSOULA SHERIFF DEPARTMENT on March 20<sup>th</sup> 2015 the Plaintiffs' have been followed with constant surveillance as promised by the OFFICERS in the video (see Exhibit B YouTube video of incident) and harassed by the same. The STATE OF MONTANA has kept Plaintiffs' as POLITICAL PRISONERS within the confines of the geographical state of Montana, deprived of life and the things need to sustain it, Liberty and everything that it stands for, and Property as they have lost nearly everything they can call their own trying to survive with limited mobility (loss of truck), access to work, trade and business, access to supplies necessary to life. We have been treated as criminals and categorized as terrorists by criminals that should not hold any position of TRUST created by the CONSTITUTION.

During the last SPECIAL APPEARANCE by Plaintiffs', JUDGE MARIE ANDERSON was caught in a number of lies which the Plaintiffs' pointed out in open court to which She replied "You are disrupting my COURT and I want you to leave" to which Plaintiffs' replied "is that your Judicial determination" to which She replied "Yes" so Plaintiffs' proceeded to leave the COURTROOM, when JUDGE MARIE ANDERSON threatened and said " the Sheriff will be in pursuit". The Plaintiffs' went straight to the U.S. MARSHALL's OFFICE to turn himself in to the proper Jurisdiction for this claim, where he was told there was "NO WARRANT". Plaintiffs' later found out from witnesses in the COURTROOM that an UNKNOWN WARRANT was indeed issued. Plaintiffs' have tried right from the initial contact on March 20<sup>th</sup> 2015 to report the corruption and criminal activities of the STATE OF MONTANA to FEDERAL AUTHORITIES to NO avail even though the UTAH FBI OFFICE did take a detailed report of Plaintiffs' deposition and testimony twice.

Per the **United States Republic Constitution Article XI of the Bill of Rights** it affirms that no Corporation/public servant can suit "the People". The STATE OF MONTANA and THEIR AGENT'S have further violated the United States Republic Constitution and "Oath of Office". As of the date of this writing, no response has been received from the STATE OF MONTANA nor its officers regarding the "Averment of Jurisdiction" and the required time frame for producing the Averment of jurisdiction has expired.

Once jurisdiction is challenged, the court cannot proceed when it clearly appears that the court lacks jurisdiction, the court has no authority to reach merits ,but, rather, should dismiss the action. **Melo v U.S., 505 F2d 1026.**

The law requires proof of jurisdiction to appear on record of the administrative agency and all administrative proceedings. **Hagans v Lavine 415 U.S. 533.**

The MISSOULA JUSTICE COURT does not have any jurisdiction to hear any issues of a judicial nature as affirmed by the Supreme Court.

"When acting to enforce a statute and its subsequent amendments to the present date, the judge of the



municipal court is acting as an administrative officer and not in a judicial capacity; courts in administering or enforcing statutes do not act judicially, but merely ministerially" **Thompson v Smith 154 SE 583**

The MISSOULA JUSTICE COURT actions in scheduling any meeting/hearing/trial is evidence of incompetence as affirmed by the Supreme Court stare Decisis that "Ministerial officers are incompetent to receive grants of judicial powers" and to continue is further violation of the STATE OF MONTANA, it's COURTS and all its officers "Oath of Office". Ministerial officers are incompetent to receive grants of judicial power from the legislature; their acts in attempting to exercise such powers are necessarily nullities.

**Burns v Sup Ct. SF, 140 Cal 1.**

All officials are required by federal, state, and municipal law to provide the name, address and telephone number of their public hazard and malpractice bonding company and the policy number of the bond and, if required, a copy of the policy describing the bonding coverage of their specific job performance. Failure to provide this information constitutes corporate and limited liability insurance fraud (15 USC) and is prima facie evidence and ground to impose a lien upon the official personally to secure their public oath and service of office. The Superior Court and its officers have failed to comply and provide the Averment of Jurisdiction related to Oath and Bond. As the "**Oath of Office**" has not been provided by the STATE OF MONTANA, MISSOULA JUSTICE COURT, and any and all its officers are charged with warring against this Plaintiffs' who is one of "The People" which is Treason.(See Evidence Exhibit F1, Motion for Discovery, Exhibit F2 counter to Motion by MACKENZIE BLOOM COUNTY ATTORNEY and denial by Exhibit F3 JUDGE MARIE ANDERSON)

**The Agents** of THE UNITED STATES OF AMERICA/STATE OF MONTANA commanded that the Plaintiffs' adhere to an unlawful venue allegedly being operated by the PUBLIC SERVANTS to "The People" by Imposed under threat, duress, and coercion with a 'man-of-straw' / misnomer word, misrepresented as implying my name, and typed upon the Order / Instrument, and was improperly spelled, "DAVID L HOROWITZ" in ALL CAPITAL LETTERS. That misnomer and CORPORATE - NAME, "DAVID L HOROWITZ" is clearly (an artificial – person / entity); is not me, the Natural Person; is a deliberate grammatical error, intended for injury to me; and is clearly not of consanguine relationship to me or to my nationality, in any form, truth, or manner,; nor to my Israelite Family Bloodline. This is in violation of my secured rights to my name and nationality; a violation of National and International Law; and a violation of the Obligations of the Officers of the Court; and a violation of their fiduciary duties and Official Oaths to uphold and to support Article VI of the United States Constitution; and thus, violating my Substantive Rights, and the Articles of Part 1 of '*The Rights of Indigenous People*'

([http://en.wikisource.org/wiki/Draft:United\\_Nations\\_Declaration\\_on\\_the\\_Rights\\_of\\_Indige...](http://en.wikisource.org/wiki/Draft:United_Nations_Declaration_on_the_Rights_of_Indige...)) as follows:

"Indigenous People have the right to a full and effective enjoyment of all human rights and fundamental freedoms recognized in the Charter of the United Nations; The Universal Declaration of Human Rights; And International Human Law." Article 5 of the *Rights of Indigenous People* "Every Indigenous individual has the Right to a Nationality.",



Article 15 of the *Declaration of Human Rights* (<http://www.un.org/Overview/rights.html>) everyone has a right to a nationality. (2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his name.”

This Plaintiffs’ made a “Claim of Rights” as stated in Judicial Proclamation and Name Correction and signed for the record; name, correct spelling of name. (See Exhibit A)

Plaintiffs claim; STATE OF MONTANA is with the ‘want of jurisdiction’ by knowingly and willingly conspiring (under a Color-of-Authority) to deny this Plaintiffs’, I, Joshua and, I, David, (after this Plaintiffs’ made a reservation of rights and stating for the record; name, correct spelling of name, and national status) his Un-a-lien-able Rights, the right to a Name and Nationality of his choosing, etc. The STATE OF MONTANA alleged and assumed the Plaintiffs’ of being a Corporate Ward-ship 14th Amendment Artificial SLAVE Person / citizen, which resulted in an unlawful arrest-of-rights, immunities and liberties; which is in direct contradiction to, and a violation of, the Fourth (IV) Amendment of the Constitution for the United States (Republic); violating Article VI of the Constitution, by way of violating The Treaty of Peace and Friendship of EIGHTEEN HUNDRED-THRITY-SIX (1836) A.D.; Congressional Resolution # 75, Philadelphia Pennsylvania; a violation of Article 15 of ‘The Universal Declaration of Human Rights’ of Nineteen Hundred and Forty-Eight (1948) A.D. – General Assembly, United Nations; a violation of ‘The Declaration of the Rights of The Child’ of Nineteen Hundred and Fifty-Nine(1959) A.D

(<http://www.un.org/cyberschoolbus/humanrights/resources/child.asp>); and violating ‘The Rights of Indigenous Peoples’; and that the STATE OF MONTANA knowingly committed ‘fraud’ against the Plaintiffs’ by abusing their authority, in that they failed to correct a known violation; and did not aid in preventing said such abuse of authority, while having (by law) the obligation to do so; and violated the Fifth Amendment of The Bill of Rights of Seventeen Hundred and Ninety-One (1791) A.D.; impeding the Peoples’ **right to due process under the Law, and equal protection of the Law**, Article 1 Section 10 of The Constitution for The United States of America (Republic) which secures this Plaintiffs’ Rights.

The case of *Refoule v. Ellis*’ declares that use of "third degree" practices by state or local police violates the due process clause of the Fourteenth Amendment and gives to the victim, against the offending officers, an original right of action in a federal district court for injunction and damages under the Civil Rights Act of 1871.2 This statute provides for civil action at law or in equity for any person who has been deprived of any right secured by the Constitution and laws of the United States by public officials acting "under color" of law.

‘On or around February 14, 2014 MISSOULA POLICE/PEACE OFFICER PETE WOODS assaulted and kidnapped I, Joshua for questioning HIS authority, at which time he fabricated charges of OBSTRUCTION OF A PEACE OFFICER, utilizing the same statutes and authority I questioned HIM about.

On or around March 7, 2014, Affidavit of Legal Notice of Understanding, Notice of Intent and Claim of Right was filed regarding the charges being fraudulently pressed and the lack of Subject Matter Jurisdiction with return responses and counter claims due within (14) days from service (See Exhibit A). No response from the STATE OF MONTANA nor any AGENT or PRINCIPAL of the SAME which implies agreement with the Affidavit. No further communications to or from the STATE OF MONTANA regarding the Cause of Action took

place until on or about March 16<sup>th</sup> 2015 at which time AGENT'S for the STATE OF MONTANA, MHP TROOPER GEORGE BURTON [George Burton], MHP SEARGENT CHAD DEVER [Chad Dever] MHP TROOPER RYAN JANES [Ryan Janes], MHP TROOPER MIKE BURMAN [Mike Burman] and SHERIFF'S DEPUTY REBECCA BIRKET [Rebecca Birket] violated the Plaintiffs' (Joshua) Un-a-lien-able and Natural Rights. See Exhibit D. (OFFICER dash cam videos, lapel microphone recordings and personal statements in THEIR Complaints) while operating under "Color of Law" while under Oath. At which time the STATE OF MONTANA via AGENT'S above mentioned, assaulted and kidnapped the Plaintiff (Joshua) and held him against his will and without his consent for three days at the MISSOULA COUNTY DETENTION FACILITY. I, David was witness, on the phone with Plaintiff (Joshua) for 45 minutes during the time of the interaction with MONTANA HIGHWAY PATROL and MISSOULA SHERIFF DEPUTIES until the phone fell and he heard nothing on the other line. Once the phone went dead David contacted the MISSOULA COUNTY JAIL where David asked for and spoke to the booking supervisor on duty. David asked the SUPERVISOR "where does the MONTANA HIGHWAY PATROL take its PRISONERS when they are arrested? To which the SUPERVISOR responded "sometimes to the hospital, sometimes to the morgue and sometimes they just leave them in a ravine in the woods!". At which time David called 911(See Evidence Exhibit D3)

No official service was served upon the Plaintiffs' at any time as his residence and Citizenship are in the Kingdom of Heaven and not within the STATUTORY or CORPORATE STATE OF MONTANA nor is Plaintiffs' a party to or with the STATE OF MONTANA in any way shape or form (zero contracts between the STATE OF MONTANA and Plaintiffs'). Plaintiffs' served the STATE OF MONTANA and it's AGENT'S (MISSOULA POLICE DEPARTMENT, MISSOULA JUSTICE COURT, and MISSOULA MUNICIPAL COURT) (See Evidence Exhibit E with a Plea in Abatement for misnomer (see Exhibit G- Memorandum of Law on the NAME) , nuisance and defect which was ignored by MARIE ANDERSON JUSTICE OF THE PEACE MISSOULA JUSTICE COURT ( an Administrative tribunal and not a proper Court of Record)(See Evidence Exhibit E1,2,3) -At the time of the initial "Special Appearance" by Plaintiffs', MARIE ANDERSON [Marie Anderson] ordered two MISSOULA COUNTY DEPUTIES to keep Plaintiffs' out of the courtroom until all other cases were handled and the potential for witnesses removed, at which time the two DEPUTIES threatened the Plaintiffs' to not question the JUDGE'S authority or jurisdiction or they "would be forced to arrest the Plaintiffs'" exhibiting clear intent to oppress, coerce and manipulate the Plaintiffs' under duress and against his will, to bow to the WILL of the STATE and to the COURT which has no judicial authority and is in fact not a court of record, in violation of Plaintiffs' Constitutional / Treaty secured right,. As I am a Man with Standing and the MISSOULA JUSTICE COURT and MISSOULA MUNICIPAL COURTS are administrative venues I am under no obligation to comply with a demand much less a threat from a public servant who has taken an "Oath" to preserve, protect, and secure the rights of the People.

Per the **United States Republic Constitution Article XI of the Bill of Rights** it affirms that no Corporation/public servant can suit "the People". The STATE OF MONTANA and THEIR AGENT'S have further violated the United States Republic Constitution and "Oath of Office". As of the date of this writing, no response has been received from the STATE OF MONTANA nor its officers regarding the "Averment of Jurisdiction" and the required time frame for producing the Averment of jurisdiction has expired.



Once jurisdiction is challenged, the court cannot proceed when it clearly appears that the court lacks jurisdiction, the court has no authority to reach merits ,but, rather, should dismiss the action. **Melo v U.S., 505 F2d 1026.**

The law requires proof of jurisdiction to appear on record of the administrative agency and all administrative proceedings. **Hagans v Lavine 415 U.S. 533.**

The MISSOULA JUSTICE COURT AND THE MISSOULA MUNICIPAL COURT does not have any jurisdiction to hear any issues of a judicial nature as affirmed by the Supreme Court.

"When acting to enforce a statute and its subsequent amendments to the present date, the judge of the municipal court is acting as an administrative officer and not in a judicial capacity; courts in administering or enforcing statutes do not act judicially, but merely ministerially" **Thompson v Smith 154 SE 583**

The MISSOULA JUSTICE COURT AND MISSOULA MUNICIPAL COURT actions in scheduling any meeting/hearing/trial is evidence of incompetence as affirmed by the Supreme Court stare Decisis that "Ministerial officers are incompetent to receive grants of judicial powers" and to continue is further violation of the STATE OF MONTANA, it's COURTS and all its officers "Oath of Office". Ministerial officers are incompetent to receive grants of judicial power from the legislature; their acts in attempting to exercise such powers are necessarily nullities. **Burns v Sup Ct. SF, 140 Cal 1.**

All officials are required by federal, state, and municipal law to provide the name, address and telephone number of their public hazard and malpractice bonding company and the policy number of the bond and, if required, a copy of the policy describing the bonding coverage of their specific job performance. Failure to provide this information constitutes corporate and limited liability insurance fraud (15 USC) and is prima facie evidence and ground to impose a lien upon the official personally to secure their public oath and service of office. The Superior Court and its officers have failed to comply and provide the Averment of Jurisdiction related to Oath and Bond. As the "**Oath of Office**" has not been provided by the STATE OF MONTANA, MISSOULA JUSTICE COURT, MISSOULA MUNICIPAL COURT and any and all its officers are charged with warring against this Plaintiffs'(s) who is one of "The People" which is Treason.(See Evidence Exhibit F1, Motion for Discovery, Exhibit F2 counter to Motion by MAC BLOOM COUNTY ATTORNEY and denial by Exhibit F3 JUDGE MARIE ANDERSON)

**The Agents** of THE UNITED STATES OF AMERICA commanded that the Plaintiffs' adhere to an unlawful venue allegedly being operated by the PUBLIC SERVANTS to "The People" by Imposed under threat, duress, and coercion with a 'man-of-straw' / misnomer word, misrepresented as implying my name, and typed upon the Order / Instrument, and was improperly spelled, "JOSHUA DAVID HOROWITZ" in ALL CAPITAL LETTERS. That misnomer and CORPORATE - NAME, "JOSHUA DAVID HOROWITZ" is clearly (an artificial – person / entity); is not me, the Natural Person; is a deliberate grammatical error, intended for injury to me; and is clearly not of consanguine relationship to me or to my nationality, in any form, truth, or manner,; nor to my Israelite Family Bloodline. This is in violation of my secured rights to my name and nationality; a violation of National and International Law; and a violation of the Obligations of the Officers of the Court; and a violation of their fiduciary duties and



Official Oaths to uphold and to support Article VI of the United States Constitution; and thus, violating my Substantive Rights, and the Articles of Part 1 of '*The Rights of Indigenous People*' ([http://en.wikisource.org/wiki/Draft:United\\_Nations\\_Declaration\\_on\\_the\\_Rights\\_of\\_Indige...](http://en.wikisource.org/wiki/Draft:United_Nations_Declaration_on_the_Rights_of_Indige...)) as follows:

"Indigenous People have the right to a full and effective enjoyment of all human rights and fundamental freedoms recognized in the Charter of the United Nations; The Universal Declaration of Human Rights; And International Human Law." Article 5 of the *Rights of Indigenous People* "Every Indigenous individual has the Right to a Nationality.", Article 15 of the *Declaration of Human Rights* (<http://www.un.org/Overview/rights.html>) everyone has a right to a nationality. (2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his name."

This Plaintiffs' made a "Claim of Rights" as stated in Judicial Proclamation and Name Correction and signed for the record; name, correct spelling of name. (See Exhibit A)

Plaintiffs Claim; STATE OF MONTANA is with the 'want of jurisdiction' by knowingly and willingly conspiring (under a Color-of-Authority) to deny this Plaintiffs', I, Joshua, (after this Plaintiffs' made a reservation of rights and stating for the record; name, correct spelling of name, and national status) his Un-a-lien-able Rights, the right to a Name and Nationality of his choosing, etc. The STATE OF MONTANA alleged and assumed the Plaintiffs' of being a Corporate Ward-ship 14th Amendment Artificial SLAVE Person / citizen, which resulted in an unlawful arrest-of-rights, immunities and liberties; which is in direct contradiction to, and a violation of, the Fourth (IV) Amendment of the Constitution for the United States (Republic); violating Article VI of the Constitution, by way of violating The Treaty of Peace and Friendship of EIGHTEEN HUNDRED-THRITY-SIX (1836) A.D.;

Congressional Resolution # 75, Philadelphia Pennsylvania; a violation of Article 15 of 'The Universal Declaration of Human Rights' of Nineteen Hundred and Forty-Eight (1948) A.D. – General Assembly, United Nations; a violation of 'The Declaration of the Rights of The Child' of Nineteen Hundred and Fifty-Nine(1959) A.D

(<http://www.un.org/cyberschoolbus/humanrights/resources/child.asp>); and violating 'The Rights of Indigenous Peoples'; and that the STATE OF MONTANA knowingly committed 'fraud' against the Plaintiffs' (Joshua) by abusing their authority, in that they failed to correct a known violation; and did not aid in preventing said such abuse of authority, while having (by law) the obligation to do so; and violated the Fifth Amendment of The Bill of Rights of Seventeen Hundred and Ninety-One (1791) A.D.; impeding the Peoples' **right to due process under the Law, and equal protection of the Law**, Article 1 Section 10 of The Constitution for The United States of America (Republic) which secures this Plaintiffs' Rights.

The case of *Refoule v. Ellis*' declares that use of "third degree" practices **by** state or local police violates the due process clause of the Fourteenth Amendment and gives to the victim, against the offending officers, an original right of action in a federal district court for injunction and damages under the Civil Rights Act of **1871.2** This statute provides for civil action at law or in equity for any person who has been deprived of any right secured **by** the Constitution and laws of the United States **by** public officials acting "under color" of law.

## SECTION 6: REDRESS and RELIEF

### Enforcement of the following:

The Divine Natural Law as canonized in the Torah, Haftorah and Brit Chadasha of Yahweh and protected by the Constitution of the United States

1) I, Joshua and I, David, demand Injunctive and Declaratory Relief against the STATE OF MONTANA and IT's AGENTS (POLICE, JUDGES, PROSECUTORS, etc.) Acting under "Color of law", without due process and against my federally protected rights where no FELONY or BREACH OF THE PEACE exists, restoring my right to travel without being harassed, assaulted or kidnapped while traveling in my private conveyance.

2) I, David, demand ALL cases adjudicated in STATE COURT be reversed for original jurisdictional cause.

3) I, David, demand Due Process as protected by the Fourth (4<sup>th</sup>) and Fifth (5<sup>th</sup>) Amendments of the Constitution for the United States of America (Republic).

4) I, David, demand this United States Supreme Court stop these abuses of the colorable authority by the STATE OF MONTANA as it pertain to this Plaintiffs'.

5) I, David, demand if any criminal charges be found, let them be placed upon the AGENTS' OF THE STATE OF MONTANA that ACTED Ultra Vires

[Latin, Beyond the powers.] The doctrine in the law of corporations that holds that if a corporation enters into a contract that is beyond the scope of its corporate powers, the contract is illegal.

The doctrine of ultra vires played an important role in the development of corporate powers. Though largely obsolete in modern private corporation law, the doctrine remains in full force for government entities. An ultra vires act is one beyond the purposes or powers of a corporation. The earliest legal view was that such acts were void. Under this approach a corporation was formed only for limited purposes and could do only what it was authorized to do in its corporate charter.

6) I, David, demand this United States Supreme Court view this Plaintiffs' (in my Proper Person) as;

David, a Man of the Horowitz Family, as defined by Yahweh in B'reshet/Genesis 1:26-33, a Bond Servant and Ambassador (2 Corinthians 5:20) to the King of kings and Lord of Lords Ruler of Heaven and Earth (Deuteronomy 10:14), a Citizen of the Kingdom of Heaven (Philippians 3:20), in the Diaspora (Deuteronomy 25) upon the land which Yahweh Creator of Heaven and Earth created, currently identified as America, an Israelite and a Priest of the Tribe of Levi (Genesis 46:11, Numbers 18:2-6, Jeremiah 33:22-24, Malachi 2:4-6; 3:1-3) and redeemed from the Law of sin and death through the blood sacrifice for my redemption, of the Body of Messiah Yeshua which was buried for three days and on the third day arose to take his place at the right hand of Yahweh as King of kings and Lord of lords, Prince of Peace and Ruler of Heaven and Earth (Ephesians 1:7, Galatians 2:20, Colossians 1:14; 1:20-22, 1 John 3:16, Romans 3:24-26; 10:10, Titus 2:14, 1 Peter 1:18-19, Psalms 111:9, 1 Corinthians 6:20, Psalms 107:2, 1 Corinthians 1:30, Galatians 4:5, 1 Corinthians 7:23) and not as a LEGAL FICTION STRAW-MAN, ESTATE, CORPORATION, TRUST or other FICTION OF LAW ENTITY (person), or any other SLAVE TITLE or 'nom de guerre' imposed upon me for misrepresentation 'Actions' or other acts of 'Misprision' that a misdirected society may "believe" to be true.



7) I, David, do not, under any condition or circumstance, by threat, duress, or coercion, waive any rights secured in the Word of Yahweh and Un-a-lien-able or Secured by the Constitution or Treaty, and, hereby requests the United States Supreme Court to fulfill their obligation to preserve the rights of this Plaintiffs' (A Man and Ambassador of the Living Elohim and His Son Yeshua Ha'Moshiach ) and carry out their Judicial Duty in 'Good Faith' by ordering Plaintiff to be brought before the Law to answer for their criminal and unjust actions.

8) All UNCONSTITUTIONAL Citations – Summons – Suit / (misrepresented) Bill of Exchange, and any other 'Order' or 'Action' associated with it / them, to be dismissed and expunged for the record on it's face and merits; or, otherwise, be brought before a legitimately - delegated, and competent 'Court of Law' of International jurisdiction / venue.

9) All City, County and State Officials and their Agents/Agencies are to be informed of the Law of the Land (Constitution) and their obligation to uphold the same and to no longer be excused without action on the part of the Sheriff for violating the same, and to be made cognizance of the recompense of colorable actions on their part, by not adhering to the Law.

10) Any Plaintiff, Corporate or Natural, Party-Claimants; Involvements be found guilty of the charges and shall result in immediate Recusal of Office.

11) Plaintiff STATE OF MONTANA and ALL AGENTS, EMPLOYEE'S, PRINCIPALS NOT DIRECTLY MENTIONED is being sued for \$2000.00 per hour or \$48,000.00 per day from the date of the initial altercation on March 20<sup>th</sup> 2015 (as of the day of writing this Notice the fees owed are for 147 days for a total of \$7,056,000) and ensuing assault, kidnapping and declaration of war against the Plaintiffs', and fees continue to accrue until adjudicated by Jury in the proper jurisdiction as stated above, and as stated in the Fee Structure as established in the Affidavit of Truth, Notice of Understanding and Claim of Right (See Exhibit A) for compensatory damages and punitive damages in its OFFICIAL and private capacity. Payable in lawful money.

12) Plaintiff MISSOULA JUSTICE COURT is being sued for \$2000.00 per hour or \$48,000.00 +per day from the date of the initial altercation on March 20<sup>th</sup> 2015 (as of the day of writing this Notice the fees owed are for 147 days for a total of \$7,056,000) and ensuing assault, kidnapping and declaration of war against the Plaintiffs', and fees continue to accrue until adjudicated by Jury in the proper jurisdiction as stated above, and as stated in the Fee Structure as established in the Affidavit of Truth, Notice of Understanding and Claim of Right (See Exhibit A) for compensatory damages and punitive damages in its OFFICIAL and private capacity. Payable in lawful money.

13) Plaintiff MONTANA HIGHWAY PATROL NICHOLAS NAVARRO [Nicholas Navarro], is being sued for \$2000.00 per hour or \$48,000.00 per day from the date of the initial altercation on March 20<sup>th</sup> 2015 (as of the day of writing this Notice the fees owed are for 147 days for a total of \$7,056,000) and ensuing assault, kidnapping and declaration of war against the Plaintiffs', and fees continue to accrue until adjudicated by Jury in the proper jurisdiction as stated above, and as stated in the Fee Structure as established in the Affidavit of Truth, Notice of Understanding and Claim of Right (See Exhibit A) for compensatory damages and punitive damages in its OFFICIAL and private capacity. Payable in lawful money.

14) Plaintiff MONTANA HIGHWAY PATROL ? OFFICER ON SCENE [? On the scene], is being sued for \$2000.00 per hour or \$48,000.00 per day from the date of the initial altercation on March 20<sup>th</sup> 2015 (as of the day of writing this Notice the fees owed are for 147 days for a total of \$7,056,000) and ensuing assault, kidnapping and declaration of war against the Plaintiffs', and fees continue to accrue until adjudicated by Jury in the proper jurisdiction as stated above, and as stated in the Fee Structure as established in the Affidavit of Truth, Notice of Understanding and



Claim of Right (See Exhibit A) for compensatory damages and punitive damages in its OFFICIAL and private capacity. Payable in lawful money.

**15) Plaintiff MONTANA HIGHWAY PATROL ? ON THE SCENE**[? On the scene], is being sued for \$2000.00 per hour or \$48,000.00 per day from the date of the initial altercation on March 20<sup>th</sup> 2015 (as of the day of writing this Notice the fees owed are for 532 days for a total of \$7,056,000) and ensuing assault, kidnapping and declaration of war against the Plaintiffs', and fees continue to accrue until adjudicated by Jury in the proper jurisdiction as stated above, and as stated in the Fee Structure as established in the Affidavit of Truth, Notice of Understanding and Claim of Right (See Exhibit A) for compensatory damages and punitive damages in its OFFICIAL and private capacity. Payable in lawful money.

**16) Plaintiff MONTANA HIGHWAY PATROL ? ON THE SCENE** [? On the scene], is being sued for \$2000.00 per hour or \$48,000.00 per day from the date of the initial altercation on March 20<sup>th</sup> 2015 (as of the day of writing this Notice the fees owed are for 147 days for a total of \$7,056,000) and ensuing assault, kidnapping and declaration of war against the Plaintiffs', and fees continue to accrue until adjudicated by Jury in the proper jurisdiction as stated above, and as stated in the Fee Structure as established in the Affidavit of Truth, Notice of Understanding and Claim of Right (See Exhibit A) for compensatory damages and punitive damages in its OFFICIAL and private capacity. Payable in lawful money.

**17) Plaintiff MISSOULA COUNTY SHERIFF [T J McDurmott]**, is being sued for \$2000.00 per hour or \$48,000.00 per day from the date of the initial altercation on March 20<sup>th</sup> 2015 (as of the day of writing this Notice the fees owed are for 147 days for a total of \$7,056,000) and ensuing assault, kidnapping and declaration of war against the Plaintiffs', and fees continue to accrue until adjudicated by Jury in the proper jurisdiction as stated above, and as stated in the Fee Structure as established in the Affidavit of Truth, Notice of Understanding and Claim of Right (See Exhibit A) for compensatory damages and punitive damages in its OFFICIAL and private capacity. Payable in lawful money.

**18) Plaintiff MISSOULA COUNTY SHERIFF DEPUTY ? GUNTER** [? Gunter], is being sued for \$2000.00 per hour or \$48,000.00 per day from the date of the initial altercation on March 20<sup>th</sup> 2015 (as of the day of writing this Notice the fees owed are for 147 days for a total of \$7,056,000) and ensuing assault, kidnapping and declaration of war against the Plaintiffs', and fees continue to accrue until adjudicated by Jury in the proper jurisdiction as stated above, and as stated in the Fee Structure as established in the Affidavit of Truth, Notice of Understanding and Claim of Right (See Exhibit A) for compensatory damages and punitive damages in its OFFICIAL and private capacity. Payable in lawful money.

**19) Plaintiff MISSOULA COUNTY SHERIFF DEPUTY ? ON THE SCENE** [? On the scene], is being sued for \$2000.00 per hour or \$48,000.00 per day from the date of the initial altercation on March 20<sup>th</sup> 2015 (as of the day of writing this Notice the fees owed are for 147 days for a total of \$7,056,000) and ensuing assault, kidnapping and declaration of war against the Plaintiffs', and fees continue to accrue until adjudicated by Jury in the proper jurisdiction as stated above, and as stated in the Fee Structure as established in the Affidavit of Truth, Notice of Understanding and Claim of Right (See Exhibit A) for compensatory damages and punitive damages in its OFFICIAL and private capacity. Payable in lawful money.

**20) Plaintiff MISSOULA COUNTY SHERIFF DEPUTY ? ON THE SCENE** [? On the scene], is being sued for \$2000.00 per hour or \$48,000.00 per day from the date of the initial altercation on March 20<sup>th</sup> 2015 (as of the day of writing this Notice the fees owed are for 147 days for a total of \$7,056,000) and ensuing assault, kidnapping and declaration of war against the Plaintiffs', and

fees continue to accrue until adjudicated by Jury in the proper jurisdiction as stated above, and as stated in the Fee Structure as established in the Affidavit of Truth, Notice of Understanding and Claim of Right (See Exhibit A) for compensatory damages and punitive damages in its OFFICIAL and private capacity. Payable in lawful money.

**21) Plaintiff MISSOULA COUNTY SHERIFF DEPUTY ON THE SCENE** [? On the scene], is being sued for \$2000.00 per hour or \$48,000.00 per day from the date of the initial altercation on March 20<sup>th</sup> 2015 (as of the day of writing this Notice the fees owed are for 147 days for a total of \$7,056,000) and ensuing assault, kidnapping and declaration of war against the Plaintiffs', and fees continue to accrue until adjudicated by Jury in the proper jurisdiction as stated above, and as stated in the Fee Structure as established in the Affidavit of Truth, Notice of Understanding and Claim of Right (See Exhibit A) for compensatory damages and punitive damages in its OFFICIAL and private capacity. Payable in lawful money.

**22) Plaintiff MONTANA GOVERNOR** [Steve Bullock], is being sued for \$2000.00 per hour or \$48,000.00 per day from the date of the initial altercation on March 20<sup>th</sup> 2015 (as of the day of writing this Notice the fees owed are for 147 days for a total of \$7,056,000) and ensuing assault, kidnapping and declaration of war against the Plaintiffs', and fees continue to accrue until adjudicated by Jury in the proper jurisdiction as stated above, and as stated in the Fee Structure as established in the Affidavit of Truth, Notice of Understanding and Claim of Right (See Exhibit A) for compensatory damages and punitive damages in its OFFICIAL and private capacity. Payable in lawful money.

**23) Plaintiff MISSOULA DISTRICT ATTORNEY** [Mac Bloom], is being sued for \$2000.00 per hour or \$48,000.00 per day from the date of the initial altercation on March 20<sup>th</sup> 2015 (as of the day of writing this Notice the fees owed are for 147 days for a total of \$7,056,000) and ensuing assault, kidnapping and declaration of war against the Plaintiffs', and fees continue to accrue until adjudicated by Jury in the proper jurisdiction as stated above, and as stated in the Fee Structure as established in the Affidavit of Truth, Notice of Understanding and Claim of Right (See Exhibit A) for compensatory damages and punitive damages in its OFFICIAL and private capacity. Payable in lawful money.

**The Enforcement of the following:**

The Divine Natural Law as canonized in the Torah, Haftorah and Brit Chadasha of Yahweh and protected by the Constitution of the United States

**1) I, Joshua,** demand Injunctive and Declaratory Relief against the STATE OF MONTANA and IT's AGENTS (POLICE, JUDGES, PROSECUTORS, etc.) Acting under "Color of law", without due process and against my federally protected rights where no FELONY or BREACH OF THE PEACE exists, restoring my right to travel without being harassed, assaulted or kidnapped while traveling in my private conveyance.

**2) I, Joshua,** demand both cases adjudicated in STATE COURT be reversed for original jurisdictional cause.

**3) I, Joshua,** demand Due Process as protected by the Fourth (4<sup>th</sup>) and Fifth (5<sup>th</sup>) Amendments of the Constitution for the United States of America (Republic).

**4) I, Joshua,** demand this United States Supreme Court stop these abuses of the colorable authority by the Plaintiff as it pertain to this Plaintiffs'.

**5) I, Joshua,** demand if any criminal charges be found, let them be placed upon the Plaintiffs.

**6) I, Joshua,** demand this United States Supreme Court view this Plaintiffs' (in my Proper Person) as;



Joshua, a Man of the Horowitz Family, as defined by Yahweh in B'reshet/Genesis 1:26-33, a Bond Servant and Ambassador (2 Corinthians 5:20) to the King of kings and Lord of Lords Ruler of Heaven and Earth (Deuteronomy 10:14), a Citizen of the Kingdom of Heaven (Philippians 3:20), in the Diaspora (Deuteronomy 25) upon the land which Yahweh Creator of Heaven and Earth created, currently identified as America, an Israelite and a Priest of the Tribe of Levi (Genesis 46:11, Numbers 18:2-6, Jeremiah 33:22-24, Malachi 2:4-6; 3:1-3) and redeemed from the Law of sin and death through the blood sacrifice for my redemption, of the Body of Messiah Yeshua which was buried for three days and on the third day arose to take his place at the right hand of Yahweh as King of kings and Lord of lords, Prince of Peace and Ruler of Heaven and Earth (Ephesians 1:7, Galatians 2:20, Colossians 1:14; 1:20-22, 1 John 3:16, Romans 3:24-26; 10:10, Titus 2:14, 1 Peter 1:18-19, Psalms 111:9, 1 Corinthians 6:20, Psalms 107:2, 1 Corinthians 1:30, Galatians 4:5, 1 Corinthians 7:23) and not as a LEGAL FICTION STRAW-MAN, ESTATE, CORPORATION, TRUST or other FICTION OF LAW ENTITY(person), or any other SLAVE TITLE or 'nom de guerre' imposed upon me for misrepresentation 'Actions' or other acts of 'Misprision' that a misdirected society may "believe" to be true.

7) I, Joshua, do not, under any condition or circumstance, by threat, duress, or coercion, waive any rights secured in the Word of Yahweh and Un-a-lien-able or Secured by the Constitution or Treaty, and, hereby requests the United States Supreme Court to fulfill their obligation to preserve the rights of this Plaintiffs' (A Man and Ambassador of the Living Elohim and His Son Yeshua Ha'Moshiach ) and carry out their Judicial Duty in 'Good Faith' by ordering Plaintiff to be brought before the Law to answer for their criminal and unjust actions.

8) All UNCONSTITUTIONAL Citations – Summons – Suit / (misrepresented) Bill of Exchange, and any other 'Order' or 'Action' associated with it / them, to be dismissed and expunged for the record on it's face and merits; or, otherwise, be brought before a legitimately - delegated, and competent 'Court of Law' of International jurisdiction / venue.

9) All City, County and State Officials and their Agents/Agencies are to be informed of the Law of the Land (Constitution) and their obligation to uphold the same and to no longer be excused without action on the part of the Sheriff for violating the same, and to be made cognizance of the recompense of colorable actions on their part, by not adhering to the Law.

10) Any Plaintiff, Corporate or Natural, Party-Claimants; Involvements be found guilty of the charges and shall result in immediate Recusal of Office.

11) Plaintiff STATE OF MONTANA and ALL AGENTS, EMPLOYEE'S, PRINCIPALS NOT DIRECTLY MENTIONED is being sued for \$2000.00 per hour or \$48,000.00 per day from the date of the initial altercation on February 18<sup>th</sup> 2014 (as of the day of writing this Notice the fees owed are for 532 days for a total of \$25,536,000) and ensuing assault, kidnapping and declaration of war against the Plaintiffs', and fees continue to accrue until adjudicated by Jury in the proper jurisdiction as stated above, and as stated in the Fee Structure as established in the Affidavit of Truth, Notice of Understanding and Claim of Right (See Exhibit A) for compensatory damages and punitive damages in its OFFICIAL and private capacity. Payable in lawful money.

12) Plaintiff MISSOULA JUSTICE COURT is being sued for \$2000.00 per hour or \$48,000.00 +per day from the date of the initial altercation on March 16<sup>th</sup> 2015 (as of the day of writing this Notice the fees owed are for 147 days for a total of \$7,056,000) and ensuing assault, kidnapping and declaration of war against the Plaintiffs', and fees continue to accrue until adjudicated by Jury in the proper jurisdiction as stated above, and as stated in the Fee Structure as established in



the Affidavit of Truth, Notice of Understanding and Claim of Right (See Exhibit A) for compensatory damages and punitive damages in its OFFICIAL and private capacity. Payable in lawful money.

**13)** Plaintiff MISSOULA COUNTY JAIL and ALL AGENT'S are being sued for \$2000.00 per hour or \$48,000.00 per day from the date of the initial altercation on February 18<sup>th</sup> 2014 (as of the day of writing this Notice the fees owed are for 532 days for a total of \$25,536,000) and ensuing assault, kidnapping and declaration of war against the Plaintiffs', and fees continue to accrue until adjudicated by Jury in the proper jurisdiction as stated above, and as stated in the Fee Structure as established in the Affidavit of Truth, Notice of Understanding and Claim of Right (See Exhibit A) for compensatory damages and punitive damages in its OFFICIAL and private capacity. Payable in lawful money.

**14)** Plaintiff MISSOULA MUNICIPAL COURT and Marie Anderson, for \$2000.00 per hour or \$48,000.00 per day from the date of the initial altercation on March 16<sup>th</sup> 2015 (as of the day of writing this Notice the fees owed are for 147 days for a total of \$7,056,000) and ensuing assault, kidnapping and declaration of war against the Plaintiffs', and fees continue to accrue until adjudicated by Jury in the proper jurisdiction as stated above, and as stated in the Fee Structure as established in the Affidavit of Truth, Notice of Understanding and Claim of Right (See Exhibit A) for compensatory damages and punitive damages in its OFFICIAL and private capacity. Payable in lawful money.

**15)** Plaintiff MISSOULA POLICE DEPARTMENT, and Pete Woods is being sued for \$2000.00 per hour or \$48,000.00 per day from the date of the initial altercation on February 18<sup>th</sup> 2014 (as of the day of writing this Notice the fees owed are for 532 days for a total of \$25,536,000) and ensuing assault, kidnapping and declaration of war against the Plaintiffs', and fees continue to accrue until adjudicated by Jury in the proper jurisdiction as stated above, and as stated in the Fee Structure as established in the Affidavit of Truth, Notice of Understanding and Claim of Right (See Exhibit A) for compensatory damages and punitive damages in its OFFICIAL and private capacity. Payable in lawful money.

**16)** Plaintiff MONTANA HIGHWAY PATROL [George Burton], is being sued for \$2000.00 per hour or \$48,000.00 per day from the date of the initial altercation on March 16<sup>th</sup> 2015 (as of the day of writing this Notice the fees owed are for 147 days for a total of \$7,056,000) and ensuing assault, kidnapping and declaration of war against the Plaintiffs', and fees continue to accrue until adjudicated by Jury in the proper jurisdiction as stated above, and as stated in the Fee Structure as established in the Affidavit of Truth, Notice of Understanding and Claim of Right (See Exhibit A) for compensatory damages and punitive damages in its OFFICIAL and private capacity. Payable in lawful money.

**17)** Plaintiff MONTANA HIGHWAY PATROL [Chad Dever], is being sued for \$2000.00 per hour or \$48,000.00 per day from the date of the initial altercation on March 16<sup>th</sup> 2015 (as of the day of writing this Notice the fees owed are for 147 days for a total of \$7,056,000) and ensuing assault, kidnapping and declaration of war against the Plaintiffs', and fees continue to accrue until adjudicated by Jury in the proper jurisdiction as stated above, and as stated in the Fee Structure as established in the Affidavit of Truth, Notice of Understanding and Claim of Right (See Exhibit A) for compensatory damages and punitive damages in its OFFICIAL and private capacity. Payable in lawful money.

**18)** Plaintiff MONTANA HIGHWAY PATROL [Mike Burman], is being sued for \$2000.00 per hour or \$48,000.00 per day from the date of the initial altercation on March 16<sup>th</sup> 2015 (as of the day of writing this Notice the fees owed are for 532 days for a total of \$7,056,000) and ensuing

assault, kidnapping and declaration of war against the Plaintiffs', and fees continue to accrue until adjudicated by Jury in the proper jurisdiction as stated above, and as stated in the Fee Structure as established in the Affidavit of Truth, Notice of Understanding and Claim of Right (See Exhibit A) for compensatory damages and punitive damages in its OFFICIAL and private capacity. Payable in lawful money.

**19) Plaintiff MONTANA HIGHWAY PATROL [Ryan Janes]**, is being sued for \$2000.00 per hour or \$48,000.00 per day from the date of the initial altercation on March 16<sup>th</sup> 2015 (as of the day of writing this Notice the fees owed are for 147 days for a total of \$7,056,000) and ensuing assault, kidnapping and declaration of war against the Plaintiffs', and fees continue to accrue until adjudicated by Jury in the proper jurisdiction as stated above, and as stated in the Fee Structure as established in the Affidavit of Truth, Notice of Understanding and Claim of Right (See Exhibit A) for compensatory damages and punitive damages in its OFFICIAL and private capacity. Payable in lawful money.

**20) Plaintiff MISSOULA COUNTY SHERIFF [T J McDermott]**, is being sued for \$2000.00 per hour or \$48,000.00 per day from the date of the initial altercation on February 18<sup>th</sup> 2014 (as of the day of writing this Notice the fees owed are for 532 days for a total of \$25,536,000) and ensuing assault, kidnapping and declaration of war against the Plaintiffs', and fees continue to accrue until adjudicated by Jury in the proper jurisdiction as stated above, and as stated in the Fee Structure as established in the Affidavit of Truth, Notice of Understanding and Claim of Right (See Exhibit A) for compensatory damages and punitive damages in its OFFICIAL and private capacity. Payable in lawful money.

**21) Plaintiff MISSOULA COUNTY SHERIFF OFFICE [Rebecca Birket]**, is being sued for \$2000.00 per hour or \$48,000.00 per day from the date of the initial altercation on March 16<sup>th</sup> 2015 (as of the day of writing this Notice the fees owed are for 147 days for a total of \$7,056,000) and ensuing assault, kidnapping and declaration of war against the Plaintiffs', and fees continue to accrue until adjudicated by Jury in the proper jurisdiction as stated above, and as stated in the Fee Structure as established in the Affidavit of Truth, Notice of Understanding and Claim of Right (See Exhibit A) for compensatory damages and punitive damages in its OFFICIAL and private capacity. Payable in lawful money.

**22) Plaintiff MONTANA GOVERNOR [Steve Bullock]**, is being sued for \$2000.00 per hour or \$48,000.00 per day from the date of the initial altercation on February 18<sup>th</sup> 2014 (as of the day of writing this Notice the fees owed are for 532 days for a total of \$25,536,000) and ensuing assault, kidnapping and declaration of war against the Plaintiffs', and fees continue to accrue until adjudicated by Jury in the proper jurisdiction as stated above, and as stated in the Fee Structure as established in the Affidavit of Truth, Notice of Understanding and Claim of Right (See Exhibit A) for compensatory damages and punitive damages in its OFFICIAL and private capacity. Payable in lawful money.

**23) Plaintiff MISSOULA DISTRICT ATTORNEY [Mac Bloom]**, is being sued for \$2000.00 per hour or \$48,000.00 per day from the date of the initial altercation on March 16<sup>th</sup> 2015 (as of the day of writing this Notice the fees owed are for 147 days for a total of \$7,056,000) and ensuing assault, kidnapping and declaration of war against the Plaintiffs', and fees continue to accrue until adjudicated by Jury in the proper jurisdiction as stated above, and as stated in the Fee Structure as established in the Affidavit of Truth, Notice of Understanding and Claim of Right (See Exhibit A) for compensatory damages and punitive damages in its OFFICIAL and private capacity. Payable in lawful money.



24) Plaintiff MISSOULA MUNICIPAL COURT [Kathleen Jenks], is being sued for \$2000.00 per hour or \$48,000.00 per day from the date of the initial altercation on February 18<sup>th</sup> 2014 (as of the day of writing this Notice the fees owed are for 532 days for a total of \$25,536,000) and ensuing assault, kidnapping and declaration of war against the Plaintiffs', and fees continue to accrue until adjudicated by Jury in the proper jurisdiction as stated above, and as stated in the Fee Structure as established in the Affidavit of Truth, Notice of Understanding and Claim of Right (See Exhibit A) for compensatory damages and punitive damages in its OFFICIAL and private capacity. Payable in lawful money.

## SECTION 7: CONCLUSION

- 1) It is a sin for any group of people to violate the Sovereign Laws of Yahweh and the Un-a-liable Rights given to his children as referenced in the Word of God (the Bible) See Exhibit C. protected by Oath and the Constitutional Laws of a Free National Government.
- 2) All parties to the *Articles of Confederation* of 1778 did also agree that *Article IX* shall set forth the procedure for resolving a dispute brought before the Congress of the United States by a freely associated compact State of the United States of America.
- 3) All parties to the *Articles of Confederation* of 1778 did also agree that no Congress shall thereafter alter *Article IX* of the *Articles of Confederation* unless it has received confirmation to do so by every State in the Union (*Article XIII* of the *Articles of Confederation*).
- 4) The United States, pursuant to an "Act" of the States sitting in Congress under the *Articles of Confederation* of Seventeen Hundred and Seventy-Eight (1778) A.D., authorized a Constitutional Convention for the purpose of forming a more perfect Union, to establish justice, to insure domestic tranquility, to provide for the common defense, to promote general welfare, and to secure the blessings of liberty, did ordain and established a Constitution for the United States. The Constitution for the United States was declared to be a "revision" to the *Articles of Confederation* of 1778 (*REPORT OF PROCEEDINGS IN CONGRESS*, Wed., Feb.21, 1787 [*Journals of the Continental Congress*, vol. 38])).
- 5) The Constitution for the United States was established by the People of the United States of America, and not by the States in their sovereign capacity (*In reg Opinion of the Justices*, 107 A. 673, 674, 118 Me. 544, 5 A.L.R. 1412) and was ratified by the People sitting in Convention of the Original 13 States of the United States of America (*United States Constitution*, VII: 1:1).
- 6) The Constitution for the United States is a Compact which constitutes a binding trilateral Contract between the People, the freely associated compact States of the United States of America, and the United States [e.g. *Article 10* of the *Bill of Rights* to the *Constitution of the United States*] (*In reg Opinion of the Justices*, 107 A. 673, 674, 118 Me. 544, 5 A.L.R. 1412).
- 7) By the wording of *Article VI* of the *Constitution for the United States*; the Congress is required to review its legislation from time to time to determine if the legislation was made pursuant to the provisions of that Constitution.
- 8) The parties to the Compact of the United States Constitution further agreed that the enumeration in the Constitution of certain Rights shall not be construed to deny or disparage others retained by the People (*Article 9* of the *Bill of Rights* to the *Constitution for the United States*).



9) The parties to the Compact also agreed that the Powers not delegated to the United States under the U.S. Constitution are reserved to the States or to the People (*Article 10 of the Bill of Rights to the Constitution for the United States*).

10) On February 24, 1855; the Congress of the United States created the United States Court of Claims. The Court of Claims was authorized to execute the mandates of *Article IX of the Articles of Confederation of 1778* and *Article I of the Bill of Rights to the Constitution for the United States (10 Stat. 612, sec. 1, sec. 7)*

11) The Congress of the United States also enacted the "*Bowman Act*" of March 3, 1883 (22 Stat. 485) and the "*Tucker Act*" of March 3, 1887 (24 Stat. 505) to clarify the jurisdiction of the Court of Claims. Under these Acts, either House of Congress may submit any claim or matter to the United States Court of Claims for investigation and determination of facts. The Court was to report its findings back to Congress for Congressional determination.

12) Notwithstanding the limitations imposed upon the United States Claims Court by *P.L. 97-164* and its subsequent United States Court of Federal Claims by *P.L. 102-572*; the Congress of the United States is barred by *Article IX* and *Article XIII of the Articles of Confederation* and by *Article I of the Bill of Rights to the Constitution for the United States* to limit its investigations to moneyed claims.

13) The continual refusal of the United States Congress to resolve the Petitions of Grievances that were submitted to it, by the several States of the Union, violates the "*Good Faith*" agreement that all grievances submitted would be expeditiously resolved as mandated by the *Articles of Confederation of 1778*.

14) Between the years of 1866 and 1868 (and other years); several states within the United States known as "States" submitted Petitions to the Congress of the United States for Redress of Grievances. These Petitions have passed from Congress to Congress for over one hundred years, with the Congress refusing to take any action to resolve the disputes as required by *Article IX of the Articles of Confederation of 1778* and *Article I of the Bill of Rights to the Constitution for the United States*. These Petitions challenged the procedure by which the Congress used to amend the Constitution for the United States. The Amendments in question are the unlawfully - ratified 13<sup>th</sup>, 14<sup>th</sup> and 15<sup>th</sup> Amendments (hereinafter referred to as the "Three Dead Badges of Law").

15) "No change in ancient procedure can be made which disrupts those fundamental principles, which protect the citizen in his private right and guard him against the arbitrary action of the government." *Ex Parte Young*, 209 US 123.

16) The Constitution for the United States of America binds all judicial officers at *Article 6*, wherein it does say, "This Constitution and the Laws of the United States which shall be made in pursuance thereof, and all Treaties made, or which shall be made under the authority of the United States, shall be the Supreme Law of the Land, and the Judges of every State shall be bound thereby, anything in the Constitution or laws of any state to the Contrary, notwithstanding," see *Clause 2*.

17) *Black's Law Dictionary 4<sup>th</sup> Ed.* Defines "Law of the land", - When first used in *Magna Charta*, the phrase probably meant the established law of the kingdom, in opposition to the civil or Roman law. It is now generally regarded as meaning general public laws binding on all members of the community. *Janes v. Reynolds*, 2 Tex 251; *Beasley v. Cunningham*, 171 Tenn. 334. 103 S.W.2d 18, 20110 A.L.R. 306. It means due process of law warranted by the constitution, by the common law adopted by the constitution, or by statutes passed in pursuance of the constitution *Mayo v. Wilson*, 1 N.H. 53.

- 18) Clause 3, clarifies the scope of this requirement when it states that "...All judicial officers, both of the United States and of the several states shall be bound to support this Constitution..."
- 19) The 5<sup>th</sup> Amendments require that all persons within the United States must be given due process of the law and equal protection of the law.
- 20) The unconstitutional charges being applied to this Plaintiffs' are not in pursuance of the Constitution for the United States of America, wherein it does guarantee, and this Plaintiffs' does declare the equal protection of the right to "life liberty and the pursuit of happiness" in the 1<sup>st</sup> Amendment.
- 21) The Plaintiffs' claim full and equal protection of the Law in Marbury v. Madison 5 US 137 – "The Constitution of these United States is the Supreme Law of the Land. Any law, that is repugnant to the Constitution, is null and void of law."
- 22) The unconstitutional charges being applied to the Plaintiffs' are repugnant to the Constitution because they deny a right established and guaranteed in the 1<sup>st</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup>, and 10<sup>th</sup> Amendments, and in United States Supreme Court '**Stare Decisis**' so noted above, where this court has no authority to adjudicate contrary.
- 23) The unconstitutional charges under which the Plaintiffs' is being forced to answer are non-constitutional on their face and unconstitutional when applied to the Plaintiffs' because they do not have an enacting clause or single subject title, thereby denying due process of law.
- 24) Due Process of law is not necessarily satisfied by any process which the Legislature may prescribe. See: Abrams v. Jones 35 Idaho 532, 207 P. 724.
- 25) "Due Process of Law in each particular case means such an exercise of the powers of the government as the settled maxims of law permit and sanction; and under such safeguards for the protection of individual rights as those maxims prescribe for the class of cases to which the one in question belongs." Cooley, Const. Lim. 441.
- 26) Due Process as defined in H. C. Black's Law Dictionary, 4<sup>th</sup> Edition. " Whatever difficulty may be experienced in giving to those terms a definition which will embrace every permissible exertion of power affecting private rights, and exclude such as is forbidden, there can be no doubt of their meaning when applied to judicial proceedings. They then mean a course of legal proceedings according to those rules and principles, which have been established in our systems of jurisprudence for the enforcement and protection of private rights."
- 27) "To give such proceedings any validity, there must be a tribunal competent by its constitution—that is by the law of its creation—to pass upon the subject-matter of the suit; and if that involves merely a determination of the personal liability of the defendant, he must be brought within its jurisdiction obey service of process within the state or his voluntary appearance. Pennoyer v. Neff, 95 U.S. 733, 24 L.Ed. 565."
- 28) "Due process of law implies the right of the person affected thereby to be present before the tribunal which pronounces judgment upon the question of life liberty, or property, in its most comprehensive sense; to be heard, by testimony or otherwise, and to have the right of controverting, by proof, every material fact which bears on the question of right in the matter involved."
- 29) "If any question of fact or liability be conclusively presumed against him, this is not due process of law, Zeigler v. Railroad Co., 58 Ala. 599.
- 30) These phrases in the Constitution do not mean the general body of the law, common and statute, as it was at the time the Constitution took effect; for that would seem to deny the right of the Legislature to amend or repeal the law. They refer to certain fundamental rights which that



system of jurisprudence, of which ours is a derivative, has always recognized. *Brown v. Levee Com'rs* 50 Miss. 468."

**31)** All orders or judgments issued by a judge in a court of limited jurisdiction must contain the findings of the court showing that the court has subject-matter jurisdiction, not allegations that the court has jurisdiction. *In re Jennings*, 68 Ill.2d 125, 368 N.E.2d 864 (1977) ("in a special statutory proceeding an order must contain the jurisdictional findings prescribed by statute.")

**32)** *In Interest of M.V.*, 288 Ill.App.3d 300, 681 N.E.2d 532 (1st Dist. 1997). Without subject-matter jurisdiction, all of the orders and judgments issued by a judge are **void** under law, and are of no legal force or effect. *In Interest of M.V.*, 288 Ill.App.3d 300, 681 N.E.2d 532 (1st Dist. 1997) ("Every act of the court beyond that power is void").

**33)** The Plaintiffs' assert, *Midland Coal Co. v. Knox County*, 268 Ill.App.3d 485, 644 N.E.2d 796 (4th Dist. 1994) ("Special statutory jurisdiction is limited to the language of the act conferring it, and the court has no powers from any other source"...)

**34)** The "language of the act" the complainants confer upon "has no powers from any other source" *Midland Coal Co. v. Knox County*, *Ibid*, no evidence on it's face of valid law, as it lacks the mandatory enacting clause,

**35)** That the purpose of us prescribing an enacting clause — "the style of the acts" — is to establish it; to give it permanence, uniformity, and certainty; to identify the act of legislation as of the general assembly; to afford evidence of its legislative statutory nature; and to secure uniformity of identification, and thus prevent inadvertence, possibly mistake and fraud. *State v. Patterson*, 4 S.E. 350, 352, 98 N.C. 660 (1887); 82 C.J.S. "Statutes," § 65, p. 104; *Joiner v. State*, 155 S.E.2d 8, 10, 223 Ga. 367 (1967).

**36)** "That the almost unbroken custom of centuries has been to preface laws with a statement in some form declaring the enacting authority. The purpose of an enacting clause of a statute is to 'identify' it as an act of legislation by expressing on its face the authority behind the act." 73 Am. Jur.2d, "Statutes," § 93, p. 319, 320; *Preckel v. Byrne*, 243 N.W. 823, 826, 62 N.D. 356 (1932).

**37)** That for an enacting clause to appear on the face of a law, it must be recorded or published with the law so that the People can readily identify the authority for that particular law.

**38)** That "It is necessary that every law should show on its face the authority by which it is adopted and promulgated, and that it should clearly appear that it is intended by the legislative power that enacts it that it should take effect as a law." *People v. Dettenthaler*, 77 N.W. 450, 451, 118 Mich. 595 (1898); citing *Swann v. Buck*, 40 Miss. 270.

**39)** This Plaintiff (a court of limited jurisdiction), lacks the power to act and have proceeded beyond the strictures of the statutes, and that the statutes being applied are created from revised statutes and codes of a foreign and unidentified source, as they fail to show from what authority in law they exist, where they fail to show on their face, the mandatory enacting clause.

**40)** Said revised statutes and codes fail to show a necessary and mandatory enacting clause on their face, giving them lawful force and effect. Said revised statutes and codes are private codes and statutes and are not law, do not compel this Plaintiffs' to perform and do not apply to him, and fail to show "authority for the court to make any order." *Levy. Industrial Common Ibid*, *Midland Coal Co. v. Knox County*, *Ibid*.

**41)** The Plaintiffs', demand all rights under the common law based upon the status as a matter of due process of law and to determine what legal rights the Plaintiffs' has in this court and what rights will be denied, if any, to determine what jurisdiction the Plaintiff is attempting to apply to this Natural Divine Being Manifested in Human Flesh.



42) The Plaintiffs' are not subject to the jurisdiction of the CORPORATE STATE OF MONTANA or ANY OTHER STATE IN THE CORPORATE UNION REGISTERED OR CHARTERED BY THE UNITED STATES OF AMERICA.

43) The Plaintiffs' have no contract with 'Foreign European Colonist'; or with any other segment of the United States of America that can grant jurisdiction over human rights; or over political, economic, social and cultural rights of Indigenous Peoples.

44) The Plaintiffs' are Aboriginal / Indigenous within the meaning of the description of the Draft Declaration of the Inter-American Declaration of the Rights of Indigenous Peoples at Article 1 Definition:

45) "In this Declaration Indigenous Peoples are those who embody historical continuity with societies which existed prior to the conquest and settlement of their territories by Europeans..."

46) Indigenous People are separate and distinct; alien to this administration; and have a separate and distinct status from the administrators of the colonial occupiers of the land; as recognized in the Declaration on Principles of International Law of Friendly Relations and Cooperation Among States; wherein it does say under the Principles of Equal Rights and self determination of Peoples (B5): "The territory of a colony or other Non-Self Governing Territory has, under the Charter, a status separate and distinct from the territory of the State administering it..."

47) Colonial legislatures were divested of their legislative powers, and required to transfer jurisdiction and all powers over the cultural rights of indigenous and minority peoples to those peoples and prohibited from making any law that effects the rights of indigenous people to fully and effectively enjoy their right to **self-determination in Article 5 of the Declaration on the Granting of Independence to Colonial Countries and Peoples, Adopted by General Assembly resolution 1514 (XV) of 14 December 1960**. See Article 5 to wit: **"Immediate steps shall be taken, in Trust and Non-Self Governing Territories or all other territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire..."**

48) Colonial courts were divested of, and required to, transfer the judicative power and all power to the people of this territory, *ibid*.

49) See 'The American Declaration of the Rights and Duties of Man' (Adopted by the Ninth International Conference of American States Bogota, Colombia, 1948 at Article 5, Article 17, Article 26)

50) The United States of America is required to obey the requirements of the Declaration on the Principles of International Law and to obey the principles of international law enumerated therein.

51) The Vienna Convention on the Law of Treaties requires that the United States of America fulfill its obligations incurred there under.

52) The United States of America is a member of the United Nations, and is bound by the Charter of the United Nations to promote and protect the Rights of Indigenous Peoples.

53) The Declaration of the Granting of Independence to Colonial Countries and People UN GA #1514 specifically required the United States of America to transfer *all power* to the peoples of this land, and this specifically includes all legislative, executive and judicial powers.

54) The UNITED STATES OF AMERICA through its commercial agents/agencies, has committed 'fraud' to accomplish what is called in legal contemplation, "Capitis Diminutio Maxima", which is that my natural name has been murdered and I was resurrected as a non-natural, created entity subject to regulation and denied the protections of national and

international law. This constitutes Fraud and denies due process of the law and the Freedom from the Practices and Policies of Apartheid described in the International Convention on the Suppression and Punishment of the Crime of *Apartheid* Adopted and opened for signature, ratification by General Assembly resolution 3068 (XXVIII) of 30 November 1973 at Articles 1, 2 and 3, and the right not to be compelled to perform under any contract or agreement not entered into voluntarily, intentionally and knowingly.

**55) Executive Order Number: 13107**, 63, Federal Register, 68,991 (1998)- Implementation of Human Rights Treaties, which states "It shall be the policy and practice of the Government of the United States, being committed to the protection and promotion of human rights and fundamental freedoms, fully to respect and implement its obligations under the international human rights treaties to which it is a party including the ICCPR, the CAT and the CERD." THE UNITED STATES OF AMERICA, by way of its enclave, the CORPORATE STATE OF MONTANA, and its Officers/Agencies/Agents, violated 'Due Process' and, conspired to deprive rights of the Plaintiffs'; and did neglect to prevent deprivation of rights at Title 18, U.S.C. 241 and Title 18, U.S.C. 242.

**56) Maine v. Thiboutot** 448 US 1, 100 SCT 2502 – Officers of the court have no immunity, when violating a constitutional right from liability. For they are deemed to know the law.

**57)** Note that the presiding judge, and any judge acting as organ of the court, is aware that 42 USC 1986 requires the person(s) adjudicating legal processes, to correct wrongs, and that their failure to correct the wrongs that were addressed constitutes Fraud under Rule 9(b) of the FRCP, cross referenced to 28 USC 1746, and that this Fraud constitutes a Perjury on the Oath of Office at 18 USC 1621, deprives us of rights, at 18 USC 241, and 242, Conspires to deprive rights at 42 USC 1985; is an extortion of rights at 18 USC 872, and is actionable under 42 USC 1983.

**58)** Judicial officers have no immunity when they have no jurisdiction over subject matter.

**59)** This court shall take mandatory Judicial Notice of the adjudged decision of the Supreme Court of the United States of *Bradley v Fisher* 80 U.S. 335 (1871), 351,352 that officers of the court have no immunity when they have no jurisdiction over the subject-matter. And further in *Bradley v Fisher* on page 352 and 352 is as follows:

"Where there is clearly no jurisdiction over the subject matter any authority exercised is a usurped authority, and for the exercise of such authority, when the want of jurisdiction is known to the judge, no excuse is permissible." This evidence of *Bradley v Fisher* 80 U.S. 335 (1871).

**60)** Either subject-matter jurisdiction exists, or it doesn't. Subject-matter jurisdiction has been denied, it must be proved by the party claiming that the court has subject-matter jurisdiction as to all of the requisite elements of subject-matter jurisdiction

**61)** "Where rights secured by the Constitution are involved, there can be no rule-making or legislation, which would abrogate them. *Maranda v. Arizona* 384 US 4336, 125:"

**62)** "The claim and exercise of Constitutional Rights cannot be converted into a crime. *Miller v. Kansas* 230 F 2<sup>nd</sup> 486, 489:"

**63)** "If any Tribunal (court) finds absence of proof of jurisdiction over a person and subject matter, the case must be dismissed. *Louisville v. Motley* 2111 US 149, 29S. CT. 42. "The Accuser Bears the Burden of Proof Beyond a Reasonable Doubt."

**64)** "In light of my status the complaint against me must be brought before an Article III court as per the rules governing the Treaty of Peace and Friendship of 1787." Therefore in accord with the official oath of the officers of this court et al that all fraudulently presented improperly serviced instruments as per bill of exchange / suits / complaint be dismissed, discredited and expunged from the record, etc.



65) "Lack of Federal Jurisdiction can not be waived or overcome by agreement of parties". Griffin v. Matthews, 310 F supra 341, 342 (1969): "

66) "Want of Jurisdiction may not be cured by consent of parties". Industrial Addition Association v. C.I.R., 323 US 310, 313."

67) "Plaintiffs' asserts *"Where rights secured by the Constitution are involved, there can be no rule making or legislation, which would abrogate them"* Miranda v. Arizona 384 U.S. 436, 491.

68) "An unconstitutional statute has been held to confer no authority on, and to afford no protection to, an officer acting there under." Also, "Officers cannot be punished for refusing to obey unconstitutional statute." (CJS 16, sec. 101, p. 479) "Such laws are in legal contemplation, as inoperative as though ' they had never been passed or as if the enactment had never been written, and are regarded as invalid or void from the date of enactment, and not only from the date on which it is judicially declared unconstitutional. Such a law generally binds no one, confers no rights, affords No Protections, and imposes no duties, and compliance therewith is unnecessary." (CJS 16, p. 469).

69) "No one is bound to obey an unconstitutional law and no courts are bound to enforce it." – 16 Am Juris 2nd, Sec 177 late 2d, Sec 256.

70) "The State cannot diminish rights of the People." – Hurtado v. California, 110 U.S. 516

71) "The state is a people and not the created form of government." – Texas v. White, 7 Wallace, 700-74.

72) "The individual may stand upon constitutional rights. He is entitled to carry on his private business in his own way. His power to contract is unlimited. He owes no duty to the state or to his neighbors to divulge his business or to open his door to an investigation, so far as it may tend to incriminate him. He owes no such duty or the state, since he receives nothing therefrom, beyond the protection of his life and property. His rights are such as existed by the Law of the Land, long antecedent to the organization of the state... He owes nothing to the public so long as he does not trespass upon their rights." Hale v. Henkel, 201 U.S. 43 (1905).

73) "The makers of the Constitution conferred, as against the government, the Right to be let alone; the most comprehensive of rights, and the right most valued by civilized men." – United States Supreme Court Justice Brandeis in Olmstead v. Unites States (1928).

74) Based on customary international laws, the 5th Amendment of the Constitution for the United States of America, which guarantees due process of the law and Article IV of same Constitution Section

1; Full Faith and Credit shall be given in each State to the public Acts, Records and judicial proceedings of every other state...

75) No person shall be denied the enjoyment of any civil or military right, nor be discriminated against in the exercise of any civil or military right, nor be segregated in the militia or in the public schools, because of religious principles, race, color, ancestry or national origin...

76) Supreme Court Annotated Statute, Clearfield Trust Co. v. United States 318 U.S. 363-371 1942

Whereas defined pursuant to Supreme Court Annotated Statute: Clearfield Trust Co. v. United States 318 U.S. 363-371 1942: "Governments descend to the level of a mere private corporation, and take on the characteristics of a mere private citizen . . . where private corporate commercial paper [Federal Reserve Notes] and securities [checks] is concerned . . . For purposes of suit, such corporations and individuals are regarded as entities entirely separate from government." What the Clearfield Doctrine is saying is that when private commercial paper is



used by corporate government, then government loses its sovereignty status and becomes no different than a mere private corporation.

As such, government then becomes bound by the rules and laws that govern private corporations which means that if they intend to compel an individual to some specific performance based upon its corporate statutes or corporation rules, then the government, like any private corporation, must be the holder-in-due-course of a contract or other commercial agreement between it and the one upon who demands for specific performance are made. And further, the government must be willing to enter the contract or commercial agreement into evidence before trying to get the court to enforce its demands, called statutes.

77) All correspondence between the Plaintiff/STATE OF MONTANA and Plaintiffs' are attached to this NOTICE OF REMOVAL as per the Statutes.

### **TRIAL BY JURY OF MY OWN PEERS WAS, AND IS, DEMANDED**

I declare as Yahweh is my Judge and the United States Republic Constitution that the above is true and correct to the best of my knowledge and honorable intent.

Dated this 4<sup>th</sup> Day of August in the year of the Lord two thousand one hundred fifteen,



I Am: David: Man of God, Horowitz Family

Authorized Representative, A Man as defined by Yahweh in B'reshet/Genesis 1:26-33, In Propria Persona: All Rights Reserved; U.C.C. 1-207 / 308; U.C.C. 1-103

I declare as Yahweh is my Judge and the United States Republic Constitution that the above is true and correct to the best of my knowledge and honorable intent.

Dated this 4<sup>th</sup> Day of August in the year of the Lord two thousand one hundred fifteen,



I Am: Joshua: Man of God, Horowitz Family

Authorized Representative, A Man as defined by Yahweh in B'reshet/Genesis 1:26-33, In Propria Persona: All Rights Reserved; U.C.C. 1-207 / 308; U.C.C. 1-103

### **SECTION 8: EVIDENCE, DOCUMENTATION and EXHIBITS**

**EXHIBIT A:** AFFIDAVIT OF TRUTH/NOTICE OF UNDERSTANDING/CLAIM OF RIGHT

**EXHIBIT B:** YouTube Video of Incident March 20<sup>th</sup> 2015

**EXHIBIT C:** Memorandum of Law on the "NAME"

**EXHIBIT D:** DASH CAM VIDEOS

**D1:** VIDEO WATCHGUARD (OFFICER ?. JOHNSTON) TK-2015-1080

**D2:** VIDEO MHP DASH CAM (OFFICER ?. SILVAN) TK-2015-1080

**D3:** MHP DASH CAM VIDEO (OFFICER UNKNOWN ?) TK-2015-1080

**EXHIBIT E: PLEA IN ABATEMENT**

**E1:** PLEA IN ABATEMENT MISSOULA JUSTICE COURT MARIE ANDERSON

[Marie Anderson] TK-2015-1080

**E2:** PLEA IN ABATEMENT MISSOULA COUNTY ATTORNEY MAC BLOOM

[Mac Bloom] TK-2015-1080

**EXHIBIT F: MOTION FOR DISCOVERY**

**F1:** MOTION FOR DISCOVERY

**F2:** JUDGES DENIAL OF DISCOVERY

**EXHIBIT H: MISCELLANEOUS VIDEOS OF COURT AND PROSECUTOR  
INTERACTION**

**EXHIBIT I: MISCELLANEOUS DOCUMENTS FROM ALL STATE OF MONTANA  
COURTS**